

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ANTHONY ROSHON ROBERTS, SR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-11-143-M
)	
JUSTIN JONES, Director of)	
Oklahoma Dept. of Corrections,)	
in his personal and official capacities,)	
JOSEPH TAYLOR, Warden of Cimarron)	
Correctional Facility, in his personal and)	
official capacities, and KIMBERLY)	
LEATHERWOOD, Mailroom Clerk,)	
in her personal and official capacities,)	
)	
Defendants.)	

**REPORT AND RECOMMENDATION:
MOTION FOR A DEFAULT JUDGMENT**

The Court Clerk entered a default against Justin Jones,¹ and the Plaintiff moved for entry of a default judgment against this individual.² However, the Court has vacated the default entry³ and granted Mr. Jones an extension of time to respond to the second amended complaint.⁴ Because Mr. Jones is no longer considered to be in default, the Court should deny Mr. Roberts' motion for a default judgment.

¹ Doc. 44; Fed. R. Civ. P. 55(a).

² Doc. 54.

³ Doc. 62; Fed. R. Civ. P. 55(c).

⁴ Doc. 63.

The Plaintiff is advised of his right to object to this report and recommendation by July 25, 2011.⁵ If Mr. Roberts does object, he must file a written objection with the Court Clerk for the United States District Court, Western District of Oklahoma. The Plaintiff is further advised that if he does not timely object, he would waive his right to appellate review over the suggested ruling.⁶

This report and recommendation does not discharge the referral.

Entered this 6th day of July, 2011.



Robert E. Bacharach
United States Magistrate Judge

⁵ See 28 U.S.C. § 636(b)(1) (2009 supp.); Fed. R. Civ. P. 6(a)(1)(C), 6(d), 72(b)(2).

⁶ See *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).